



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 05 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article number: 7015 1520 0003 0792 0183

Robert A. Rowan
Manager, Facilities and EH&S
Ducommun AeroStructures New York, Inc.
171 Stacey Road
Coxsackie, NY 12051

Re: **NOTICE OF VIOLATION**

RCRA § 3007 Information Request

Ducommun AeroStructures, 171 Stacey Road - EPA ID No. NYN000219550
Ducommun AeroStructures, 2 Flint Mine Road - EPA ID No. NYD091897355
Ducommun AeroStructures, 25 Vermilyea Lane - EPA ID No NYN008027765

Dear Mr. Rowan:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), the EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272. For the purposes of this Information Request and Notice of Violation, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

The Notice of Violation (NOV) portion of this letter (see Enclosure I) is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. §§ 6901, 6928. Issuance of this NOV and compliance with its terms does not preclude EPA from taking formal enforcement action against you and/or your company, including a monetary penalty, under Section 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in Enclosure II, using the instructions and definitions included in Enclosure III. This information is necessary to determine the compliance status of the three Ducommun AeroStructures facilities in the Cossackie, New York area.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your company, using the form in Enclosure IV to this letter.

The response to the request in the Enclosure must be mailed to the following address:

Mr. Ronald Voelkel
Environmental Scientist
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency- Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (hereinafter 40 "C.F.R.") Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. If you contend that some or all of the submitted information is entitled to confidential treatment, specify which portions of the information you consider confidential. For each item or class of information that you identify as being subject to your claim, please answer the questions in Enclosure V, giving as much detail as possible. Please note that you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination.

Failure to respond to this letter truthfully, accurately, and in full within the time provided may subject you to sanction authorized by federal law including, but not limited to, a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. Such enforcement action may include the assessment of a monetary penalty up to \$ 32,500 per day per violation. Please also note that all information you provide may be used in an administrative, civil judicial or criminal action.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 U.S.C. Part 3501 et seq.

For consistency, please provide your answers in a format which is keyed to the sections as outlined in Enclosure III to this letter.

If you have any questions regarding this matter, please contact Mr. Ronald Voelkel at (212) 637-1470 or voelkel.ronald@epa.gov.

Sincerely yours,



Leonard Voo, Chief
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures:	Enclosure I	Notice of Violation
	Enclosure II	Information Request
	Enclosure III	Instructions & Definitions
	Enclosure IV	Certification of Answers
	Enclosure V	Substantiation of Confidential Business Information Claim

cc: Joel H. Benkie
President and Chief Operating Officer
Ducommon AeroStructures New York, Inc.
23301 Wilmington Avenue
Carson, CA 90745-6209

Kelly Lewandowski, Chief
Site Control Section
New York State Department of Environmental Conservation

ENCLOSURE I

Notice of Violation

Ducommun AeroStructures
EPA ID No. NYN000219550
EPA ID No. NYD091897355
EPA ID No. NYN008027765

On or about November 16, 2015, duly authorized representatives of the EPA conducted RCRA compliance evaluation inspections (“inspections”) of three Ducommun AeroStructures (“Ducommun”) facilities located in the Coxsackie, New York area. The objective of the inspections was to determine whether or not Ducommun was in compliance with all regulations pertaining to the generation, management, and disposal of hazardous waste. At the time of the inspections, Ducommun was found to be out of compliance with these regulations at all three of its Coxsackie facilities.

At the time of the inspections, Ducommun was found to be in violation of the following RCRA regulations at these three facilities:

General Requirements:

1. 6 NYCRR § 372.2(a)(2) and 40 CFR § 262.11 requires the generator to make a determination as to whether or not the generator’s solid waste is a hazardous waste.

During the inspections, some solid wastes were observed for which you were not able to identify as being either hazardous waste or non-hazardous waste; these include sludge from a settling tank, which was stated to be placed in dumpsters; paint booth filters, which were stated to be air-dried and placed in dumpsters (a used paint booth filter was observed in a compactor/dumpster); a 55-gallon drum of potassium hydroxide, located at the Stacey Road facility, which was labeled as being corrosive but was being managed, and stated to be disposed of, as non-hazardous waste and for which, when asked if this waste was a hazardous waste, you stated “I can look it up”; a 55- gallon drum of hydrofluoric acid, located at the Flint Mill Road facility which could also not be identified as being either a hazardous or non-hazardous waste despite such waste typically having a pH of less than 2; and on two occasions during the inspections where containers of hazardous waste, including one that was labeled as “Acetone”, were found to have labels that incorrectly identified their contents. Ducommun’s failure to make hazardous waste determinations is a violation of NYCRR § 372.2(a)(2) and 40 CFR § 262.11.

2. 6 NYCRR § 373-3.3(c)(2) requires a generator to have a device, such as a telephone, near a hazardous waste storage area capable of summoning emergency assistance from local emergency response teams.
3. 6 NYCRR § 372.2(a)(8)(iii)(e)(2)(i) requires the posting of the names and telephone numbers of the emergency coordinators next to the telephone.
4. 6 NYCRR § 372.2(a)(8)(iii)(e)(2)(ii).requires the posting of the location of fire extinguishers and spill control material next to the telephone.

At the time of the inspections, a telephone or other device was not located near the hazardous waste storage area at the Flint Mine Road facility; also, the posting of emergency telephone numbers or the location of fire extinguishers and spill control material were not posted near hazardous waste storage areas at the Flint Mine Road and the Stacey Road facilities.

Container Storage Requirements:

5. 6 NYCRR § 373-3.9(d)(3) requires generators to clearly mark on each container in storage areas with the words "Hazardous Waste" and with other words that identify the contents of the containers.
6. 6 NYCRR § 372.2(a)(8)(iii)(d) requires generators to clearly mark on each container the date upon which each period of accumulation began.
7. 6 NYCRR § 373-3.9(d)(1) requires containers holding hazardous waste to always be closed during storage, except when it is necessary to add or remove waste.
8. 6 NYCRR § 373-3.9(b) requires that containers holding hazardous waste to be in good condition and to transfer hazardous waste from a leaking container to a container that is in good condition.
9. 6 NYCRR 6 NYCRR § 373-3.9(e) requires a generator to inspect, at least weekly, area where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion and other factors.

At the time of the inspections, at all three Ducommun facilities, containers of hazardous waste were observed that were either not labeled as hazardous waste, were labeled as hazardous waste but their contents misidentified, were not marked with accumulation start dates, were open, and/or were rusted or in poor condition. Observations included: a 55-gallon drum of waste, located near the Stacey Road facility's settling tank, which was labeled "acetone" but actually contained lube oil; at least two waste rag containers, stated to be hazardous waste, which were not labeled as hazardous waste; an open, a 55-gallon drum of hazardous waste, located in the hazardous waste storage area shed at the Stacey Road facility, which was undated and open; almost none of the containers in the hazardous waste storage area shed were labeled as hazardous waste, including several boxes of PPG Aerospace sealant (expired September 2015); another 2 boxes containing 48 jars of the same waste (dated 9/20/15); 2 boxes of Cytec DAPCO 2016 firewall sealant, and 4 Dow Corning PR-1200 RTV prime coat containers (expired 3/25/15); adjacent to the two hazardous waste storage area sheds were four "Wastepack" containers (approximately 3 ft x 3 ft x 3 ft in volume) which contained waste paint booth filters; each Wastepack was labeled as hazardous waste but none were dated; one Wastepack had an extremely strong odor, even in an outdoor setting, of solvents which resulted from the container being breached/open and subject to being filled with rainwater; rainwater was observed sitting near the top of the container; at the Vermilyea Lane facility's hazardous waste storage area shed, a 55 gallon drum containing "flammable liquids" was rusted, open, undated, but was labeled as hazardous waste; also at this location, a discarded "Diehard" battery being stored here were not labeled as hazardous or Universal waste; a large lead block, labeled with the word "lead", but not labeled as hazardous waste or marked with an accumulation start date, was located at an outdoor lot of the Flint Mill Road facility; no explanation was given as to the reason why this large lead

block was haphazardly placed at this outdoors location. Also, although you stated that weekly inspections of the hazardous waste storage areas were conducted, the observation that an open, corroded drum, labeled as hazardous waste and as containing “flammable liquids” was being stored in the Vermilyea Lane hazardous waste storage area indicates that this area was not inspected to look for the deterioration of containers caused by corrosion and other factors.

Manifests:

10. 6 NYCRR § 372.2(b)(1), 372.2(b)(5)(i) requires a generator who transports or offers for transportation hazardous waste must prepare a manifest according to the manifest instructions provided in Appendix 10 of Title 6 NYCRR Part 372, and no generator may offer a shipment of hazardous waste for transport off-site without an accompanying manifest.

During a review of photographs taken at the time of the inspections, it was noted that several containers of hazardous waste, including four “Wastepack” containers located in an outdoor lot of the Stacey Road facility, were labeled to indicate they were generated at the Flint Mill Road facility and were marked with the Flint Mill Road facility EPA Identification Number. This indicates that these containers were transported from Flint Mill Road to the Stacey Road facility without use of a hazardous waste manifest.

Preparedness and Prevention:

11. 6 NYCRR § 373-3.3(g)(1)(i) requires owners or operators to attempt to make arrangements where appropriate to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes.
12. 6 NYCRR § 373-3.3(g)(1)(iv) requires that owners or operators attempt to make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.

At the time of the inspections, you were not able to provide evidence, such as copies of correspondence, that emergency response teams, and the local hospital, were contacted and that arrangements were made to familiarize them with any of your facilities operations and the properties of the hazardous waste handled by your operations.

Contingency Plan:

13. 6 NYCRR § 373-3.4 requires owners or operators to have a contingency plan for the facility. The contingency plan must describe the actions facility personnel must take to comply with subdivisions (b) and (g) of this section in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste; must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams; must list names, addresses,

and phone numbers (office and home) of all persons to act as emergency coordinator; list of all emergency equipment at the facility, and where this equipment is required; must include an evacuation plan for facility personnel.

14. 6 NYCRR § 373-3.4(d)(2) requires a facility to submit copies of the contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

At the time of the inspections, Ducommun had not developed or implemented a Contingency Plan for its Flint Mill Road or Stacey Road facilities, as specified in the above-cited regulation, and copies of a Contingency Plan were not available to submit to local emergency response teams that may be called in the event of an emergency.

Personnel Training:

15. 6 NYCRR §§ 373-3.2(g)(4) require that a generator of hazardous waste must maintain the following documents and records at the facility:

i) the job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;

(ii) the written job description for each position;

(iii) a written description of the type and amount of both the introductory and continuing training that will be given to each person filling a position listed under subparagraph (i) above; and

(iv) records that document that the training or job experience required under paragraphs (1), (2) and (3) of this subdivision has been given to, and completed by facility personnel.

At the time of the inspection, you were not able to provide records which denoted the job titles, written job description, and training records of facility personnel that handles hazardous waste at your facilities, including that for Mr. Stephen A. Czarneski Sr., EH&S for Ducommun, which was specific requested during the inspections.

Failure to Minimize Releases of Hazardous Waste

16. 6 NYCRR § 373-3.3(b): Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment.

At the time of the inspections, adjacent to the two hazardous waste storage area sheds at the Stacey Road facility were located four Wastepacks containing waste paint booth filters, and labeled as hazardous waste; one Wastepack emitted an extremely strong odor, even in an outdoor setting, of solvents which resulted from the container being breached/open and was subject to being filled with rainwater; rainwater was observed puddled near the top of this Wastepack container; also at the Stacey Road facility, a waste paint filter was observed at the feed location

of one of two compactors/dumpsters, and it was stated by you that paint filters were being disposed of by being allowed to air-dry and being placed in dumpsters and disposed of as regular trash; also, a large lead block, labeled with the word "lead", was located in an outdoor lot of the Flint Mill Road facility; no explanation was given as to the reason why this large lead block was haphazardly placed at this outdoors location.

ENCLOSURE II

RCRA § 3007 Information Request

Ducommun AeroStructures

EPA ID No. NYN000219550

EPA ID No. NYD091897355

EPA ID No. NYN008027765

QUESTION 1

In regards to the violations cited in the above Notice of Violation (Enclosure I), please provide a description of the actions taken to correct the violations cited in items 1 through 16 and provide documentation, including photographs (where applicable), verifying that each violation has been corrected.

QUESTION 2

At the time of the November 16, 2015 inspections, various wastes were observed, including paint booth filters, settling tank sludge, and various 55-gallon containers, which you were not able to identify as being hazardous waste or non-hazardous waste.

In order to verify that all solid wastes generated by Ducommun were/are not RCRA hazardous waste, please provide the following information.

- a. Please provide a detailed description of each activity conducted at each of the three Ducommun facilities that generated solid and/or hazardous wastes (as defined in 40 C.F.R. Part 261) during the period November 2012 to November 2015, inclusive;
- b. Please list the solid and/or hazardous wastes generated from each activity, as indicated in response to Question 1(a), above, including but not limited to all *spent solvents, solvent-contaminated rags, off-spec paints, paint thinners, paint booth filters, off-spec polyurethane enamels, , waste epoxy, , overspray waste (e.g. from paint booth operations), corrosive wastes (e.g. potassium hydroxide), sludges (e.g. from settling tanks), printer inks, off-spec adhesives, off-spec penetrants, waste coolant, used oil, spent fluorescent bulbs, waste batteries, lead forming block/dies, metals (e.g. chromium), discarded cathode ray tubes (CRTs, e.g. computer monitors) etc.* indicating monthly quantities of each waste, in kilograms, generated during the period November 2012 to November 2015, inclusive, for each of the three Ducommun facilities.
- c. Provide all analytical results and/or documentation used in determining whether each solid waste stated in response to Question 1(b), above, is or is not a hazardous waste. If generator knowledge of the waste(s) was used to determine that the solid waste was not a hazardous waste, please provide a narrative which details the knowledge employed in making such a determinations. If MSDS data were used to make the hazardous waste/non-hazardous waste determinations, note whether or not it was taken into account that the materials could have been contaminated by other sources from usage. For example, potassium hydroxide waste could contain metals, and may also be a toxic hazardous waste for certain metals.

- d. For each hazardous and each non-hazardous waste described in response to Question 1(a) and 1(b), above, please provide copies of all documentation, including hazardous waste manifests, for the off-site shipment/disposal or treatment of such wastes during the time period November 2012 to November 2015, inclusive. If no such documentation is available, identify each entity (commercial, corporate, or municipal) that received such wastes from your facility, the specific waste that they received, the date(s) each such waste was shipped from each of your facilities, and state the reason(s) for not maintaining such shipping documents at your facility.
- e. For each waste described in response to Question 1(a) and 1(b), above, please specify how each waste was containerized, the location where each container of waste was stored on-site prior to shipment off-site, the length of time each container was stored prior to shipment off-site, whether or not any of these containers were labeled as hazardous waste during storage, and the location from which off-site shipment was made specifying whether or not any shipment of waste was made between any of the three Ducommun facilities.

QUESTION 3

At the time of the Inspections, you stated that the Stacey Road facility has an underground storage tank (UST) that was used to store diesel fuel. This tank was stated to have been “emptied” by Clean Harbors and was not in use. However, you were not able to provide any documentation that the UST was permanently closed. You were also not able to provide any New York State Department of Environmental Conservation (NYSDEC) document, subsequent to closure, verifying that no soil contamination resulted from the usage or closure of the UST.

- a. Please provide all specifications regarding the UST that was stated to have been “emptied”, including its capacity, the date of installment, material of construction (e.g. fiberglass, metal), whether it was double walled, and the date the tank was last used to store petroleum products.
- b. Please submit a copy of the notification to the NYSDEC for the permanent closure of the UST, if available.
- c. Please submit any documents that verify that the UST was properly closed (e.g. drained, removal of sludge, removal of the fill tube, disconnection of fill gauge and product lines, capping or plugging of open ends of lines, purging the tank of flammable vapors, and tank rinse, etc.), if available.
- d. Please submit copies of all soil analyses to verify that there was no contamination from the UST, and copies of correspondence from the NYSDEC certifying that there was no contamination of soils from the UST, if available.

QUESTION 4

At the time of the Inspections, it was observed that your facility had multiple air emission points from paint booth and cleaning lines operations. However, you stated that you do not possess air permits from local or state authorities for these air emission points.

- a. Please identify all air emission points that exist or have existed at any of your facilities located in Coxsackie, NY for the period January 2013 to December 2015, inclusive.

- b. Please provide copies of all air permits issued Ducommun by local or state authorities for the emission points identified in your response to Question 4(a), above, or
- c. Please provide copies of all correspondence with state or local regulatory authorities that verifies that your facilities were or are not subject to air emissions permitting requirements during this time period.

QUESTION 5

At the time of the inspections, it was observed that wastewater, including wastewater generated from the water-jet settling tank, was being discharged to the Village of Coxsackie municipal wastewater treatment system. However, you stated that you did not have permits from the Village of Coxsackie for your process wastewater discharge into their wastewater treatment system.

- a. Please provide all documentation or correspondence from the Village of Coxsackie that verifies whether or not any of your facilities were or are subject to permitting conditions for the discharging of your process wastewater into their system, or that you have/had special agreements with the Village of Coxsackie that allows/allowed any of your facilities to discharge your process wastewater into their wastewater treatment system, for the period January 1, 2013 to December 31, 2015, inclusive.

QUESTION 6

At the time of the inspection, a large block labeled "lead" was located in an outdoor lot of the Flint Mill Road facility; no explanation was given as to the reason why this large lead block, which may have been used as a die for forming, was haphazardly stored outdoors other than "That's an old one", "It can't be used", "It doesn't belong to us" and it may have been left there by "Sikorsky". The top portion was stated to be made of solid lead, and you had no knowledge of how long the block had been stored in this area.

- a. Please provide a detailed narrative which describes the history of the large lead block observed in an outdoor lot of the Flint Mill Road facility, including when and for what purpose the block was initially utilized in your operations, the date it ceased being utilized for any operation by your facility, and the date the block was placed in the location observed during the inspections.
 - b. Please provide an estimate of the weight of the lead portion of the block observed in the rear lot of the Flint Mill Road facility.
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ENCLOSURE III

Instructions and Definitions

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facilities for the purposes of this Request for Information is Ducommun Aero Structures located at 171 Stacey Road in Coxsackie, NY; 2 Flint Mine Road in Coxsackie, NY, and 25 Vermilyea Lane in West Coxsackie, NY.
11. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5) and in 40 C.F.R., Section 261.3.
12. Manage shall be defined for the purposes of this Request for Information as a market, generate, treat, store, dispose or otherwise handle.

13. Standards applicable to transporters of hazardous waste shall be those as established in 40 C.F.R. Part 263.
14. Hazardous constituents shall be defined as those substances listed in 40 C.F.R. Part 261, Appendix VIII.

ENCLOSURE IV

Certification of Answers to Responses to Request for Information

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE

ENCLOSURE V
SUBSTANTIATION OF CONFIDENTIAL BUSINESS INFORMATION CLAIM

Ducommun AeroStructures New York, Inc.

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to Question 1, immediately above?
3. What measures have you taken to protect the information claimed as confidential and to guard against undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has EPA or any other governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to result in substantial harmful effects on the business or to its competitive position. Explain the specific nature of those harmful effects; why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If the business asserts that the information is voluntarily submitted information, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

